

REMARKS

Claims 1-22 were rejected under 35 USC 102(e) as being anticipated by Guaracci et al. (US Pub 2004/0267918). Applicant respectfully traverses this rejection based on the following.

Explanation of New Rule 131 Affidavit

Guaracci et al. was filed on June 30, 2003. Applicant previously enclosed a Rule 131 Affidavit including copies of "res.c" source code listing, "rescl.c" source code listing and "dir.list.txt". The res.c program was implemented at the client computer to request the power reset of the remote server. The rescl.c program was implemented at the remote server to pin memory for the power reset function, wait for the request for power reset and then initiate the power reset of the remote server. The directory shows the last dates of update of "res.c" source code and "rescl.c" source code, to be in March 2003. As indicated by the Rule 131 Affidavit (including the source code listings) and Applicants' Invention Disclosure submitted on May 7, 2003, Applicant conceived and reduced to practice his invention, as currently claimed, by March 2003 which is before the filing date of Guaracci et al. The Examiner objected to the source code listings because they were not clear enough, on their faces, as to the function implemented by the two source code programs. Applicant hereby encloses copies of the "res.c" source code and "rescl.c" source code with Applicant's added comments (in blue) next to key lines of the source codes to explain their meaning. Applicant also encloses another Affidavit swearing that Applicant's added comments are accurate. Note the last eight lines of the rescl.c source code, beginning with "if (getsockname ...", which implements the pinning of the power reset program to memory, and the looping of the power reset program to listen for a call to initiate the power reset program. Note also the ninth line from the end of the source code where the socket is bound to the TCP port to listen for a TCP/IP request packet to perform power reset, as recited in claim 2 and elsewhere. Note also the step "reboot (RB_SOFTIPL)", in about the middle of the source code, that is a system call to reboot as recited in claim 7. In the res.c source code, note the step "rc=connect ..." about in the middle of the source code, by which another computer establishes a TCP socket connection with the remote computer which includes the power reset

program. Also, note the step "fprintf(stderr, "attempt to reboot/n" six lines from the end, which establishes the request to reboot to be sent to the remote computer. Therefore, Applicant has established conception and actual reduction to practice of the invention, as currently claimed, prior to the effective date of Guaracci et al. Consequently, Guaracci et al. are not an effective reference against the present patent application.

Substantive Difference Between Present Invention and Guaracci et al.

The claims were rejected under 35 USC 102 based on Guaracci et al. Applicants respectfully traverse this rejection based on the following.

It appears that the Examiner has misinterpreted the step in claim 1 of "pinning a power reset procedure to memory at a remote server". The Examiner appears to think that "pinning" means to cycle the process which waits for a power reset request to be received. That is not the proper interpretation of the pinning step recited in claim 1. "Pinning" is defined in the Background section of the present patent application as follows:

"Pinning generally refers to an ability for pages to remain in main memory and not have to be swapped out, typically by a computer operating system. This enables memory pages to be maintained in real memory all the time. However, if a program/process is not pinned to memory (normally it is not), the program/process competes for memory resources with other programs. However, as soon as a new resource is required, e.g., memory, the program will fail." Page 3 lines 7-12.

Thus, "pinning" a program to memory means that the program will maintain a place in memory to execute, and not be swapped out to storage, even though memory is in short supply, and another program may need it.

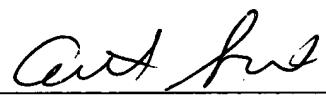
Guaracci et al. fail to disclose this key feature of the present invention, i.e. pinning a power reset procedure to memory at a remote server. This enables the power reset procedure to be functional despite a shortage of memory at the remote server that causes other critical functions to fail. This pinning allows power reset of the remote computer to correct problems with the remote computer, when there is insufficient memory at the remote computer for all programs to run. Guaracci et al. are concerned with something different, i.e. the communication channel between the controlling computer and the remote computers - remotely monitoring computer systems over an out-of-band communication channel when the in-band communication channel is unavailable. Therefore, even if Guaracci et al. were to predate the present invention, the rejection under 35 USC 102 should be withdrawn. Moreover, Guaracci et al. fail to teach or even suggest the present invention, so a rejection under 35 USC 103 would be equally unfounded.

The Examiner cites Paragraph 0035 of Guaracci et al., "UPS 120 may provide basic remote management capabilities, such as the ability to cycle power or reset headless server 110". As explained above, this "ability to cycle power or reset headless server 110" is substantially different than the first step in claim 1.

Based on the foregoing, the present patent application should be allowed.

Respectfully submitted,

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